

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PHILIP H. WENTZEL,

Petitioner,

-against-

W.S. PLILER, *Warden, F.C.I. Otisville,*

Respondent.

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**ORDER**

22 Civ. 2325 (KMK)(JCM)

Petitioner Philip H. Wentzel (“Petitioner”), proceeding *pro se*, filed a writ of habeas corpus on March 22, 2022. (Docket No. 1).<sup>1</sup> Thereafter, Respondent moved to stay the case pending the decision of the United States Supreme Court in *Jones v. Hendrix*, 142 S. Ct. 2706 (2022), (Docket No. 15), and Petitioner opposed, (Docket No. 22). The Court granted Respondent’s motion and stayed the case. (Docket No. 29). On August 17, 2023, pursuant to the Court’s October 20, 2022 Order, (Docket No. 29), Respondent responded to the Amended Petition and informed the Court that “on June 22, 2023, the Supreme Court decided *Jones* and held that federal prisoners may not use 28 U.S.C. § 2241 to raise statutory challenges to a conviction or sentence.” (Docket No. 30).

Thus, since the Supreme Court has rendered a decision in *Jones*, the stay in this action is lifted. Petitioner may file a reply to Respondent’s response by October 16, 2023.

Dated: September 19, 2023  
White Plains, New York

**SO ORDERED:**

  
JUDITH C. McCARTHY  
United States Magistrate Judge

<sup>1</sup> Petitioner filed an Amended Petition on August 11, 2022. (Docket No. 18).